

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ERIC JOHN MATA,

Plaintiff,

v.

WASHINGTON STATE EMPLOYMENT
SECURITY DEPARTMENT,

Defendants.

Case No. C22-5054 TLF

ORDER

This matter comes before the Court on Plaintiff's proposed third amended complaint. Dkt. 34. A party may amend their pleading once as a matter of course, but after this, the party is required to make a motion to the Court for leave to amend. Fed. R. Civ. P. 15(a). Federal Rule 15(a) indicates that “[t]he court should freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2). Although this is a liberal standard, leave to amend is discretionary and courts have identified a number of factors to consider when determining whether leave is appropriate. See, e.g., *Foman v. Davis*, 371 U.S. 178, 182 (1962). These factors include undue prejudice, futility, and undue delay. *Id.*

Local Civil Rule 15 requires a party who is seeking to amend a pleading to attach the proposed amended pleading as an exhibit to the motion. LCR 15. The party must also indicate how the proposed amended pleading differs from the original pleading by highlighting the text that is added and striking through part that is deleted. *Id.* This rule

1 allows the Court and the parties to review the specific allegations in the proposed
2 amended complaint and evaluate whether the amendment should be allowed, or
3 whether the proposed amendment would be prejudicial, or futile.

4 Here, Plaintiff submitted an amended complaint, but did not file a motion
5 explaining how the proposed third amended complaint differs from the current operative
6 complaint (Dkt. 19) – he did not highlight added language, and he did not strike through
7 deleted language.

8 As such, Plaintiff has not complied with the requirements of the Local Civil Rules.
9 Therefore, the third amended complaint will not be considered by the Court at this time.
10 If Plaintiff seeks to amend his complaint, he must comply with LCR 15.

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13 Dated this 25th day of October, 2022.
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17 Theresa L. Fricke
United States Magistrate Judge
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